

## WHAT FUTURE FOR THE UNITED NATIONS SECURITY COUNCIL

BY

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USAWC STRATEGY RESEARCH PROJECT

**WHAT FUTURE FOR THE UNITED NATIONS SECURITY COUNCIL**

by

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## **ABSTRACT**

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The aim of this SRP is to study the utility of the United Nations Security Council as the tool to manage the security issues of our world in the 21<sup>st</sup> century. Starting from a description of the Security Council concept, I will study the impact of the fall of the Berlin Wall on its working. Furthermore I will examine what the first decade of the 21<sup>st</sup> century demonstrates about the working of the Security Council. Before envisaging the necessary reforms to prevent the Security Council from becoming obsolete, I will make a comparison between the current position of the United States and Belgium in this matter.





## WHICH FUTURE FOR THE UNITED NATIONS SECURITY COUNCIL

Any world order that elevates one nation or group of people over another will inevitably fail

—President Obama,  
Cairo University, 4 June 2009

The Westphalia Treaty could be considered as the starting point of an interest in international relations. In fact, it is the first time that different states were speaking about a kind of collective security and this period is considered by historians as the onset of diplomacy and modern international relations<sup>1</sup>. The Westphalia Treaty is considered to be the first infancies of diplomacy, as a consequence of too much suffering. It was the first time the recourse to arms has been outlawed<sup>2</sup>. We have to take into consideration that the Treaty of Westphalia put forward the notion of sovereignty of states in international relations<sup>3</sup>.

Numbers of bloody conflicts have occurred during the centuries following the Westphalia Treaty and the most destructive were the two world wars of the twentieth century. At the end of both the First and the Second World War, the United States tried to create an international organization to avoid future conflicts. The first attempt made by President Wilson, the League of Nations, was not a success and could not prevent the second world conflict. It is important to highlight the fact that the United States didn't follow their President in his project of the League of Nations and refused to accept the participation of the US in this organization. After the Second World War and the lessons learned from the way to manage the period after WWI, the United States was at the origin of the creation of the United Nations. In this organization, the collective

management of the world's security has been given to the Security Council in accordance with the UN Charter.

Could it be possible to envisage our world without the United Nations? The negative answer to this question could convince us of its necessity. Like Ambassador Susan E. Rice said "the UN is imperfect but it is also indispensable"<sup>4</sup>. At the dawn of the twenty-first century, a lot of criticisms are made of the UN and the UNSC in particular. But more than half a century after its creation, 193 countries are members of the UN and agree to follow the decisions of the UNSC and the world has not been torn apart by a world conflict since. An easy conclusion could be that the good working of the Security Council is at the basis of this exceptionally long peaceful period but it is not so obvious.

The UNSC was created following the balance of power at the end of WWII. Minor changes have been made to its organization during the last 65 years. The aim of this SRP is to study the utility of the UNSC as the tool to manage the security issues of our world in the 21st century. Starting from a description of the Security Council concept based on the analysis of the UN Charter, I will study the impact of the fall of the Berlin Wall on its working. Furthermore, I will examine what the first decade of the 21st century demonstrated about the efficacy of the UNSC. From the analysis of the last twenty years of working of this institution, I will describe the reforms which are necessary to give a new impulse and a new credibility to the UNSC. It seems to me interesting to compare the current approaches of two founding fathers of this institution, the United States which is the current world superpower and could be favorable to unilateralism, and Belgium, my home country, a little country in central Europe which, because of its smallness, is easily steered to multilateralism.

The Security Council is one of the six bodies described in the UN Charter in its Chapter 3 to reach the United Nations' aims which are the triptych peace, freedom and development<sup>5</sup>. In this paragraph, I will explain the composition, the general missions, the decision process and its role in the world security process. The article 23 describing the UNSC is one of the most controversial of the Charter<sup>6</sup>. Its original composition found its origin in the balance of power at the end of WWII. At the origin, the UNSC was made of eleven members, five permanent and six non permanent. Those were elected for a period of two years and were not eligible for immediate re-election . The number of non-permanent members was augmented in 1963 following the important increase of the UN members due to the decolonization period<sup>7</sup>. At this time it was a not too difficult reform because it concerned the non-permanent members only. Different attempts for modification of the nucleus of the UNSC permanent members never succeeded until now, because of the balance of power resulting from this membership.

Two criteria defined the choice of the non-permanent members of the UNSC<sup>8</sup>, the first one being geographical repartition, and the second one being connected to the contribution of the members to peace maintenance, international security and other aims of the organization. The geographical criterion seems to be a relatively neutral one and is independent of any political alliance. The second one, which has a certain priority on the first one, takes into account the capacity of military intervention of the different candidates<sup>9</sup>.

Following the UN Charter in its article 24, the UNSC is responsible for maintaining peace and international security. The position of the UNSC is central in this organization. The precise role of the Security Council is to be the international

policeman in charge of conceiving and imposing world order. The United Nations has undergone substantial progress in comparison with the League of Nations which didn't possess such an organ. All the members of the UN have to accept and to apply the decisions of the Security Council as described in the Charter in article 25. The fact that the UNSC is composed of the five winning powers of WWII, who possess of a veto right, can explain why the Five have agreed to empower the UNSC.

The decisions inside the UNSC have to be taken with a majority of nine members including the mandatory vote of the five permanent members. Every member disposes of one vote. The decisional system is in the center of a controversy since the writing of the Charter. It has been written that without the veto right given to the five permanent members of the UNSC the United Nations wouldn't be created. This privilege for the Five has been criticized by the small nations during the writing of the Charter<sup>10</sup>. This right reinforces the power and influence of the big five. It was also at the origin of the paralysis of the UNSC during the Cold War which, in case of an absence of consensus between his permanent members, is not able to fulfill its mission of maintaining peace. Nothing in the Charter is foreseen to solve this issue.

The power of the UNSC is relatively extensive. It has to maintain peace and this aim can justify many actions. We could say that all means are good to preserve, maintain or restore peace<sup>11</sup>. The abstract notion of threat against peace is very subjective and so it is difficult to fix precisely the limits to the power of the UNSC. Three chapters of the UN Charter describe principally its role inside the system of collective security. In the scope of chapter VI, the action of the UNSC is essentially mediatory,

while it is more authoritarian in chapter VII. Chapter VIII concerns the regional agreements.

Chapter VI is about the peaceful settling of conflicts without using power in international relations. Different means are available to solve peacefully a dispute: negotiation, mediation inquiry, reconciliation, arbitration, judiciary settlement, use of regional agreement or organization and other peaceful means chosen by the conflicting parties<sup>12</sup>. It is important to underline that only disputes that can endanger peace have to be taken into account. In this matter, the intervention of the UNSC should be exceptional as last resort in case of the impossibility to reach an agreement between the parties in conflict. In the Charter, it is foreseen that the UNSC has the authority to intervene in any stage of a dispute and has the right to determine the ways or procedures that could bring a solution to the dispute<sup>13</sup>.

Chapter VII offers to the UNSC the possibility to take sanctions against one or different parties in a dispute. It is an important difference in comparison to the League of the Nations, which only envisaged sanctions taken by countries and not by the organization. The drafters of the Charter have settled a centralized system dominated by the five winning powers of WWII. The use of the means offered by Chapter VII depends on the previous observation of a threat against peace, a peace braking or an aggression act<sup>14</sup>. The decision to act remains only in the hands of the UNSC and there is no judiciary control on the UNSC<sup>15</sup>. The use of military forces is authorized by the article 42 to solve a dispute if economic or diplomatic sanctions were ineffective. The next article foresees the military forces that the member states have the obligation to provide to the organization. In the spirit of the Charter, these intervention forces have to

have a certain permanent character and will be the result of special agreements between the members. It has not been possible to reach an agreement in this matter and therefore the UNSC didn't receive its own army. This has been since the dawn of the UNSC a real weakness for the dreamed working of this organization.

Chapter VIII describes the role that regional mechanisms should play in the UN collective security system. They are in first instance responsible for solving in a peaceful way any disputes between its member states before submitting those problems to the UNSC. The Charter clarifies the use of force by a regional organization that is only authorized after approval of UNSC. The existence of regional organizations is not a limitation of the freedom of acting of the UNSC. Indeed, it is free to intervene in a dispute when it wants even if a regional organization is already involved in the case. However, the Charter was not very clear in that matter and it is the practice that will define the repartition of the responsibilities between the UNSC and the regional organizations in the domain of peace maintenance<sup>16</sup>.

It is easy to understand that the UNSC was created in the euphoria of the end of WWII when the great powers of that time formed an alliance against the Axis Alliance. Theoretically, this system has been well thought out, but the reality of the Cold War rapidly changed the international environment and led to a marginalization of the UNSC. Only once during the Cold War was it possible to decide inside the UNSC about an armed intervention. It was the case of the war in Korea. An absence of the Soviet Union in meetings of the UNSC made it possible. In all other cases the UNSC has been paralyzed by the veto right issued by the Soviet Union. This deadlock was bypassed by the use of the General Assembly throughout the Dean Acheson resolution<sup>17</sup>.

The fall of the Berlin Wall gave a new hope to make of the UNSC a useful tool. There was a feeling of euphoria growing out of the fact that a new world order, based on law and no longer on power was possible again. After the Cold War, a new world system was not created, as was the case after WWI and WWII, but the thought arose that the UN system could finally be effective. This effectiveness would depend on the way the first world power without any competitor would act internationally. I will now study the last twenty years of the UNSC history, starting with the last ten years of the previous century and continuing with the first ten years of the new century.

The invasion of Kuwait by the military forces of Saddam Hussein was the first test for the UNSC. The United States chose to use the UNSC to try to solve the problem<sup>18</sup>. Economic and diplomatic sanctions were taken against Iraq. Following the refusal from Saddam Hussein to leave Kuwait, resolution 678, which authorizes UN member states “to use all necessary means to restore international peace and security in the area”,<sup>19</sup> was voted. The military operations were not led following Chapter VII of the Charter because it was not an operation led by the UN via the staff committee but by an alliance of countries. It was a very good sign given by the only great power in the world to react internationally under the approval of the international community represented by the UNSC. This way of reacting gave legitimacy not only to the actions of the United States and its allies in Kuwait but also to the UNSC that the super power decided to go through before acting. Another important fact to note is that the United States stayed in the frame of the UN resolution during all operations. After the rapid liberation of Kuwait, it would have been very easy to eliminate the Saddam regime by conquering Bagdad but President Bush decided to stay inside the limitations of the

resolution against the suggestion of some of his advisers who were in favor of the destruction of the Saddam military tool. It was argued that having respected the resolution was "...a meaningful constraint on American freedom of action..."<sup>20</sup> It was certainly evidence that there was no hidden agenda from the United States in this region. This was an important sign to the international community of the will of the United States to accept to act with the authorization of an international organization. Some authors argue that "U.S. decision makers turned to the UN as an international strategy to minimize international political fallout"<sup>21</sup> what could be in opposition with the will to simply follow the international law represented by the UNSC. We have to stay realistic, realizing that the vote of certain countries inside the UNSC has been encouraged by American financial support. Yemen on the contrary, which was opposed to the intervention, was punished by a reduction of the US financial aid to the country<sup>22</sup>. Respecting the resolution by the United States was a good solution for a lot of actors. The European countries were happy because of the use of diplomacy in the first instance and the use of a multilateral military force afterwards. The Arab countries were involved in the search for a solution<sup>23</sup>, the formal Russian power was listened to in the UNSC and the same was true for China. Politically, it was a success and it led some people to start dreaming that all problems in the international community could be solved in the same way.

On the basis of this success the Secretary General BB Ghali made an attempt to improve the working of the UN in its mission to maintain international peace. His new agenda for peace contained some propositions about "the means to reinforce the capacity of the organization in different domains like preemptive diplomacy, peace



keeping, and peacemaking and about the way to improve the efficiency of the organization in the frame of the UN Charter”<sup>24</sup>. This project has not been a success and this Secretary General was not reelected following a veto of the United States, which some authors attribute to the desire of BB Ghali to give a real supranational power to the UN.

The prestige of the UNSC has been downgraded since by some painful failures like in Somalia, in Rwanda and in Bosnia. These three missions have put in evidence an evolution in the disputes the UNSC has to cope with. The majority of the conflicts in the 1990’s are internal disputes and no longer international conflicts. There is no interference right in the internal affairs of countries and it was certainly not for this type of conflicts that the UN Charter was created. These three failed missions put also in evidence the difficulties for the UNSC to solve local issues when major interests of the P5 are not in danger.

The first military action from Western countries outside of a decision of the UNSC was the bombing in December 1998 of Iraq by the United States, in collaboration with the United Kingdom, following issues in the undertaking of nuclear inspections in Iraq. This operation has been seen as a unilateral action because of the absence of an UNSC discussion about it and as a consequence the absence of a UNSC resolution. This action provoked negative reactions inside the permanent members of the UNSC and certainly in Russia. The Russian Ambassador in the UN spoke about “a unilateral action, which undermined the unity of the UNSC and of the P5”<sup>25</sup>. Finally, this action did not reach any result apart from the absence for a long time of any inspectors in Iraq. The international community no longer had an eye inside Iraq about WMD<sup>26</sup>.

The operations of NATO in Kosovo are a unilateral intervention of an alliance without the agreement of the UNSC. What could have been the reasons of such an intervention outside of a mandate of the UN by countries and certainly the European ones which are very much in favor of acting multilaterally? In this period of time there was a fear of the use of the veto right of the two permanent members of the UNSC that are not members of this alliance. Moreover, NATO had in mind the recent massacres executed by the Serbian army in Bosnia, and found it of utmost importance to prevent similar actions by the Serbians Forces in the future.

Russia and China were ready to vote a resolution to condemn the violent repression by the Serbian forces of the Albanian people but they were not ready to vote a use of force against Serbia following the notion of national sovereignty<sup>27</sup>. Kosovo was a part of Serbia and it was thus not a conflict between two countries but an internal conflict. These two permanent members have internal problems of their own and they did not want to allow interference inside a sovereign country. Many European countries were reluctant to intervene in Kosovo without a UNSC resolution. It was a dilemma between a humanitarian intervention and the respect of the international law represented by a necessary resolution of the UNSC <sup>28</sup>. Finally, twelve members of the UNSC refused to vote a resolution to condemn the NATO intervention but non-disapproval is not an agreement<sup>29</sup> and cannot justify the by-passing of the UNSC.

It was the second time that Western countries acted outside a decision of the UNSC. In my view, it was a very bad signal given by countries, which are almost all defenders of international law, and which are often the first to give lessons to other countries in different matters in international relations. Both in the case of Kosovo and in

Iraq the Western attitude could be considered a precedent for others countries to act unilaterally in other circumstances. We, the builders of international laws were the first to bypass them with the only justification that it was to protect people against the barbarity of their own leaders. We face a kind of substantial validity of this intervention following our Western values, but also a formal invalidity because of the absence of agreement by the UNSC.

The end of the twentieth century saw a jeopardizing of the UNSC by the Western countries. I will analyze in the next paragraphs what the first decade of the twenty-first century will bring in this matter.

The 9/11 event gives a new chance to the UNSC to prove the necessity of his existence. The day after the attacks on the World Trade Center, the UNSC adopted the resolution 1368 which qualified these attacks as an act of international terrorism considered as a threat to international peace and security. It is a blank authorization by the UNSC of an American military intervention as a self-defense reaction<sup>30</sup>. This very rapid reaction of the UNSC was motivated by the fear that the United States would react unilaterally to the terrorist attacks. The international community has as aim that the United States will act throughout the international institutions which was not always the case during the last decade of the twentieth century<sup>31</sup>.

The threat of terrorism could be considered as an easy subject for the UNSC. Indeed, all the permanent members of the UNSC are under the threat of terrorist attacks and none uses terrorism as a means for their foreign policy<sup>32</sup>. It was thus not too difficult to reach an agreement inside the UNSC and the United States received the support of numerous countries following the terrorist attack on the World Trade Center. The

French President Sarkozy used an analogy to the speech of Kennedy in Berlin in 1961 saying “We are all Americans”.

During this crisis, the UNSC played a role as legislator and in its resolution 1373 on 28 September 2001, it asks the member states to adapt their legislation, adopting measures to prevent and combat the terrorist threat<sup>33</sup>. Some observers see this innovation as a constructive addition to UNSC means for solving security issues. Another innovative resolution is the 1390 one dated 2002 where the UNSC voted sanctions against members of Al Qaida. It is the first time that sanctions were taken against a group of people and not against a specific territory<sup>34</sup>. We can draw a parallelism between the period following the invasion of Kuwait and the one following 9/11. These two periods demonstrate a quasi unanimity inside the UNSC which remained for some months. It could be evidence that when a crisis is exempt of a hidden political agenda, the UNSC is an efficient tool to manage the issue.

As after the unanimity behind the intervention in Kuwait, the consensus in the UNSC to act against the terrorist threat was followed by an attempt to improve the influence of an international system on the management of the world. In this case, it concerned the creation of the International Criminal Court which is seen as an improvement in the direction of a world managed by laws and less so by the power of some countries<sup>35</sup>. But in opposition to international tribunals for the Former Yugoslavia and Rwanda, the new ICC does not fall under the responsibility of the UNSC. This fact creates a real issue for some great powers, which were not inclined to allow their citizens to be prosecuted by an independent international tribunal<sup>36</sup>. Colin Powell argued that this kind of independent court could compete with the authority of the UNSC. It is

the second time that a great power opposed an attempt of improvement of the international system.

The next important controversial event concerns the intervention of a coalition in Iraq. The concern of the WMD in Iraq occupied the international community for a long time. Numerous UNSC resolutions had been taken in this matter but give no significant results. As a consequence, the Bush administration was in favor of a military intervention in Iraq to solve the issue by changing the current regime. The President tried to receive the agreement of the UNSC for a military intervention in Iraq. It is relevant to take into account that George H.W. Bush, before going to the UNSC to receive an agreement on the intervention in Kuwait, had the approval of the American Congress. This was not the case for his son<sup>37</sup>. The attempt to convince the UNSC of the danger to the peace and stability in the region represented by Saddam Hussein didn't succeed. The majority of the UNSC members were in favor of new inspections in Iraq to be sure of the existence of the WMD. France was opposed to such a military intervention and some argued that it was because of the oil interest that French oil companies had in Iraq. France, Germany and Russia agreed about the fact that a military intervention should be the last resort and were opposed to an intervention if there was no clear evidence of the presence of WMD in Iraq<sup>38</sup>. The patience of the Bush administration began rapidly to be exhausted by these very long diplomatic negotiations and the administration decided to act unilaterally without the approval of the UNSC. Some argued that giving time for new inspections could limit the freedom of action of the United States and finally perhaps impeach a military intervention in Iraq and de facto avoid the destitution of Saddam Hussein<sup>39</sup>. Bob Woodward put forward secret

discussions between President Bush and some Egyptian diplomats around the possible exile of Saddam Hussein. This solution was refused by the American President who believed that Saddam Hussein would never step out. The real objective of the United States was to go to war even without a UNSC approval if the length of the negotiations should put in danger the execution of their military plans<sup>40</sup>.

The invasion of Iraq and the change of regime in this country occurred and the UNSC had been by-passed by the first power of the world. The United States and its allies overthrew the Saddam regime rapidly. The consequences for the UN seemed at this period catastrophic and the UN Secretary General K. Annan said that the whole UN organization was in peril. He suggested that the phenomenon of unilateral military action has to be studied, as well as the way to react to humanitarian crises and how to maintain the legitimacy of the UNSC<sup>41</sup>. This unilateral act of the US has thus consequences for the UN as well as for the United States. In different parts of the world an anti- American feeling grew in different public opinions and this intervention created some fear in many governments asking themselves which country will be the next to be invaded<sup>42</sup>.

The conflict between Russia and Georgia is another example of a permanent member of the UNSC acting outside the approval of the organization. It was not possible to reach a consensus inside the UNSC and Russia uses the international jargon to justify its actions<sup>43</sup>. Georgia is considered by Russia as the aggressor that puts in danger an important number of Russian citizens in Georgia. This action has not been condemned but it is a kind of demonstration of the comeback of Russia on the international scene showing it will intervene to protect its influence zone. It should have

been difficult for the Western members of the UNSC to give a lesson to Russia after the interventions in Kosovo and Iraq. This shows again a certain weakness of the UNSC being not able to act when one of the permanent members is part of a conflict.

The case of Iran and the impact of the UNSC on the behavior of this country regarding the WMD is another issue to be considered. More than five UNSC resolutions have been voted with the aim to isolate Iran and to try to impose on it a way of conduct. But the impact of the different resolutions is not very efficient due to the fact that the scope of the resolutions has been reduced by China and Russia<sup>44</sup>. It is well known that Russia and China have supported Iran in its nuclear program. It is another sign of the weaknesses of the UNSC and its system of sanctions if it is not applied in an honest way.

The last twenty years of existence of the UNSC have been characterized by periods of efficacy of the organization and periods of absence of influence. We can regret that the western countries, the first defenders of this institution, were at the basis of two difficult periods of the UNSC that put in danger its real existence. However, at each time, this organization has succeeded to recover. Unilateral actions of Western countries have put in danger the existence itself of the organization but the absence of power in this organization of new emergent powers is another danger. Reforms of the UNSC are necessary to give a new credibility to this body. On two occasions after a successful intervention of the UN in a world security issue, attempts were made to improve the authority of the UN and the UNSC in particular but unfortunately without success. The UNSC suffers from a lack of democracy and of an unbalanced

geographical representation<sup>45</sup> and some UN observers explain that without a reform of the UNSC, the organization is bound to die<sup>46</sup>.

The question of the reform of the Security Council is not a new one. For more than twenty years a lot of discussions are taking place in this matter. It is anecdotal but interesting to mention the experience of a Belgian diplomat who received a delegation of students of the Army War College, explaining that he came back to the Belgian delegation at the United Nations finding his documents about the reform nearly in the same state as when he left the UN ten years before. The length of the reform negotiations is a sign of the complexity of this issue and of the difficulty to reach a compromise between the five current permanent members of the Security Council. The fact that no reform is possible without the agreement of the 5 permanent members and of two thirds of the General Assembly members, following Article 108 of the Charter, makes it a complex matter.

In my view, the potential reforms are at two distinct levels. The first one is at the level of the number of members of the Security Council and the second one concerns the problem of the veto right. These two concerns have to be solved simultaneously, and that is what makes this reform so complex. Raising the number of members of the Security Council could offer a solution to the question of adapting the Council's structure to today's world. However, we should be careful not to create a reduced model of the General Assembly by making the number of new members too high and so raising its difficulty of functioning<sup>47</sup>. The issue concerning the veto right is a complex one also. Firstly, should the old members hold this right? Secondly, should the new members receive this right too? Thirdly, should the use of this right be restrained?



Numerous possibilities of reforming the UNSC concerning the expansion of the number of permanent and non-permanent members exist. I choose to develop the three most important ones in my view. The first one is to expand the number of members of the Security Council, the second one is to redistribute the current seats in the Security Council and the third one is not to change the existing situation.

The first option is to raise the number of seats of the Security Council to adapt its composition to the situation of the 21<sup>st</sup> century. The question will be to define the criteria following which we will choose the new members. Those criteria could be a combination of some of the following factors: the number of inhabitants, the area of the country, the contribution to the UN budget, and the number of soldiers delivered for UN missions<sup>48</sup>. All these criteria have to be linked with an equitable representation of the different parts of the world. Different propositions are put forward by different groups of countries. I will describe the most important ones. Firstly, the group of four (G4)<sup>49</sup> is in favor of an augmentation with ten seats (six permanent and four non-permanent). The new permanent members will not receive a veto right. Secondly, another group of countries named Uniting for Consensus<sup>50</sup> comes with a proposition to only increase the number of non-permanent members to twenty but their mandates could be renewable<sup>51</sup>. Thirdly, there is a regional model which foresees to create ten new permanent members but without veto power. The particularity of this approach is that it will be the region which will receive the seats that will decide for itself to which countries the seats will be given<sup>52</sup>. Finally, there is even a proposition, named High Twenties which envisages to create a UNSC with 190 members<sup>53</sup>.

Concerning the new permanent seats, the two major candidates prior to the declaration of President Obama in November 2010 seem to be Germany and Japan. India could be the next representative for Asia, certainly with the support of the US. This process is ongoing for more than twenty years and it is not easy to reach a consensus in this matter. In each of the world's regions, there are a lot of rivalries between countries. Some are afraid of the power one of its neighbors could receive with a seat in the Security Council. India, which meets all the criteria to access to this position, received a strong support of the US recently but has been facing, like Japan, the opposition from China for many years<sup>54</sup>. Pakistan is also strongly opposed to giving a permanent seat to India, like South-Korea is to Japan<sup>55</sup>. In South-America, the application of Brazil provokes negative reactions in Argentina and this is true for many other candidates.

The decision of the US to support a candidate has to be seen as a means of reinforcement of the support of this country to the US diplomacy. Japan and Germany are already strong allies of the US and the support from the US to the application for a permanent seat from these two countries could strengthen even more the relationships. Choosing countries from Africa and South-America is far from obvious, but following a mix of the different criteria mentioned above, Brazil and South-Africa seem to be the most likely candidates to receive support. But in the case of the G4 proposition, who will receive the sixth seat? Should it be a country from Africa or from South-America? Taking into account the number of members from Africa, it would be logical that this continent would dispose of the last seat.

The feasibility of this first solution, augmenting the number of seats, is far from being evident. The way to a consensus could be very long. However, the US has the possibility to take the lead in researching this consensus and this could be a way for the US to demonstrate to the external world that it has chosen multilateralism. The US should put all its influence in action to try to find a general compromise. The acceptability and suitability of this solution is real from my point of view. The support given to India could ameliorate the US relations with this country, even though it could affect the relations with China, who is not in favor of a seat for India. In the same way, the support given to other countries could become an advantage for the US in building some new strong relations with those countries. It could help the US to hold a certain control of the world and to support its position of world hegemony. On the one hand, the risk is high, in spite of the US support to the process that a consensus will be very difficult to achieve. On the other hand, I believe that a nation which will play a leading role in the world has to take some risks to maintain this supremacy that emerging economic powers in different parts of the world could challenge.

The second option consists of the redistribution of the current seats of the Security Council without raising the number of members. In its current composition, there is a lack of balance between the representations of the different continents; Africa and South-America do not have permanent members of the Council. The Asian continent is only represented by China, while Japan and India are not in the club. In Europe, two countries are members but not the most important one, which is Germany. The European Union seems to be the future of Europe and its integration is ongoing, certainly on the economic side with the unique currency. It is very improbable that

France and the United Kingdom will accept to give a seat to Germany in the aim of a better reflection of the current balance of power in the Council. One solution could be to give one seat to the EU, which received already a seat in another international organization, the G20. This way of reasoning could be applied to other parts of the world like South-America. Brazil is asking a seat but Argentina, Chile and other South-American countries fear this new de facto power that Brazil would receive with this nomination in the new P-5. Following the same logic as for Europe, a seat could be given to the “MERCOSUR” for South-America and to the “OAU” for Africa. But these organizations are, as is the case with the EU but in an even lesser measure, far from representing politically the position of their members. In this option, without raising the number of permanent seats and by replacing the UK and France by the EU and MERCOSUR, the African continent is still not represented and Asia remains represented by China only, which would mean that other important actors in the world’s balance of power, India, Japan and Indonesia, are being ignored. Even by envisaging giving a seat to ASEAN, the problem of non-representation of India and Japan remains.

The feasibility of this second option seems difficult in a short term approach. The EU and the MERCOSUR are not yet recognized by their own members as their representatives in international relations. Another issue is the willingness of France and the United Kingdom to give their own seats to an international organization. In a long term approach, giving seats to regional organizations could be an idealistic solution but suitable. From recent diplomatic sources, Germany would support, in the long run, the idea of a unique seat for EU and follows like this the well known Italian position. But in any case the number of five will not be enough to give a seat to each regional

organization. A variation to this option could be to give a seat to the regional organizations while also increasing the number of permanent seats and simultaneously diminishing the number of non-permanent members.

The third option, the status quo one, seems to be a pragmatic one. The process of changing the composition of the Security Council is a very complex one and is ongoing since a very long period of time. I will now describe the positions of some permanent members in this matter. The US, as most powerful member, can be a spectator of this ongoing process without making any propositions of its own. It is most likely that this process will stay in “progress” during a long period of time without bringing any major changes. The advantage of this option is that the power of the US in this organization remains the same. Why change what has been a comfortable position for the US since 1945? The last actions of the US in Kosovo and in Iraq have shown a certain tendency of acting unilaterally. The question then comes to mind why the US would invest a lot of efforts in renewing this old institution which has been paralyzed during the Cold War and which they have bypassed anyway during the last decade to reach their objectives in trying to solve some of the international problems? The status quo option seems acceptable for the other members of the Council as well<sup>56</sup>. China is the only representative of the Asian continent and it is a favorable position for this country to remain the unique representative of its region. France and the United Kingdom each received a seat as winners of WWII and as a consequence of their power before that conflict. A rapid decolonization deprived these two countries of a great part of their power. A rigorous analysis of the current world powers should put in doubt the justness of these two countries having a seat as permanent members of the

Council. However, it will be difficult to change this situation as it will seem like a loss of influence on the world stage for these two European countries.

The third option is feasible and certainly acceptable for the current members of the Security Council. Some countries inside the P-5 seem to be happy that the reform process seems to be very slow<sup>57</sup>. However, the losers of WWII, Germany and Japan, who have again become important economic powers in the world, are pushing to become members of the Council. Two other countries, India and Brazil, which will be very important economic powers in a near future, are also candidates. It could be argued that the current balance of power is so different from the one occurring after WWII, that the suitability of the status quo option becomes doubtful. However, the necessity of a consensus between the P-5 makes every project of reform very complicated and a real risk exists that the status quo option remains the only possible solution, because of a lack of agreement between the P-5 in this matter.

There is another important issue coupled to the increase or not of the number of seats in the UNSC. It is the future of the veto right. There are again different options concerning the evolution of this veto. Four options seem to be possible. The first one is to stay with the current situation, the second one is an extension of the veto to the new permanent members, the third one is to limit the use of this right and the last one is to completely abolish the veto<sup>58</sup>.

A consensus between the current permanent members not to give the veto right to the new members could be an element to facilitate the consensus concerning the acceptance of a new member inside the P-5<sup>59</sup>. The disadvantage of this solution is that it leads to the creation of permanent members of a “second class”. The G-4 proposition

for example doesn't ask the veto for the new members. These countries are conscious that expanding the number of members possessing the veto could hamper the decisional process which is already not an easy one. The limitation of the current veto right is an interesting theoretical approach but we have to stay conscious that the creation of the UN after WWII would not have been possible without this veto which has been given to the winning powers of this time. Even if the veto is less used than during the Cold War<sup>60</sup>, it would be difficult for the P-5 to accept to limit their safety belt<sup>61</sup>. However, one possibility could be to demand that two or three members of the P-5 use simultaneously the veto for it to be valid, and another option being that the veto shouldn't be used in case of genocide and crime against humanity<sup>62</sup>. I think that a full abolition of this right is a dream and is not compatible with the current real political situation. In an ideal vision of the world governed by democratic principles, it would be the ideal solution but we are far from being in such a favorable situation. It is important not to forget that the League of the Nations was a failure because of the absence of important powers of the time due to the lack of assurance to be protected by such a veto.

Following a report from diplomatic sources, an informal meeting discussing intergovernmental negotiations about the UNSC reform last December didn't give too many results. Forty-three countries participated in this meeting but unfortunately the already known argumentations were given by the different participants. An interesting remark was made by Pakistan and the Solomon Islands about the too important representation of the European countries in the UNSC following the signature of the

Lisbon treaty, which should have as consequence that the EU would speak in the name of all European countries.

Before getting to the conclusion, it seems interesting to me to compare the position of two totally different countries on the UN, the U.S. and my home country, Belgium.

WWII puts an end to the American foreign policy based on isolationism. President Roosevelt was influenced by the failure of the League of Nations which was not able to prevent WWII. As a consequence, he was at the basis of the creation of the United Nations which should manage the world's collective security<sup>63</sup>. The last twenty years have been characterized by American periods of multilateralism and periods of unilateralism. It seems to be a choice "à la carte" to use one of the two approaches in function of the circumstances<sup>64</sup>. Richard Holbrooke, U.S. Ambassador to the UN under President Clinton said "The UN can be an important instrument for our foreign policy but we must not overlook a basic fact: the U.S. will not always act through the UN"<sup>65</sup>. Thomas G Weiss in the Washington Quarterly is even more clear saying that "If the purpose of the UNSC is to prevent Washington from doing what it has decided is vital to U.S. interests, only hopeless romantics would claim this is feasible "<sup>66</sup>. The NSS of September 2002 emphasizes that "the U.S. will be prepared to act apart when their interests and unique responsibilities require it"<sup>67</sup>. This kind of attitude is not easy to accept in the frame of international laws but, perhaps, we have to stay pragmatic and it is the price to pay if we don't want that the UN becomes like the League of the Nations.

It is interesting to put in evidence the speech of G.H.W. Bush following the invasion of Kuwait by Iraq. "...A world where the rule of the law supplants the rule of the



jungle.....A world where the strong respect the right of the weak...”<sup>68</sup>. His son had a totally different approach and did not have the patience to negotiate until he received the UNSC approval to attack Iraq. On one hand, the unilateral action in Iraq has provoked a lot of damage in the relations between the U.S. and some traditional allies, as Bernstein has written in the New York Times in 2003<sup>69</sup>. On the other hand, some observers argue that this unilateral action pushes some countries to extend their military expenses. If the super-power doesn't respect the supra-national body before engaging its military power abroad, some countries, fearing to be a potential target, could put the priority on developing their own military power<sup>70</sup>. In the Muslim world, this attack against a Muslim country provoked a lot of negative reactions and complicated the progression to the real objective, the war against terrorism<sup>71</sup>. Conscious of this problem, the Bush administration has modified its approach and tried to use the UN in the issues concerning Iran and North-Korea<sup>72</sup>. The reform of the UNSC was one of seven priorities<sup>73</sup> of the Bush administration in reforming the United Nations in 2005<sup>74</sup>. It was favorable to an expansion including two or three permanent and non-permanent members and supported Japan for an immediate seat as permanent member<sup>75</sup>.

The position of the United States on the United Nations has evolved in recent times. A multilateral approach to the international problems has been put forward by President Obama during different speeches given during his first two years of mandate. He was the first American President to chair a meeting of the UNSC<sup>76</sup> and in Moscow he said that “he called for a system where we hold ourselves to the same standards that we apply to other nations, with clear rights and responsibilities for all”<sup>77</sup>. He also said that the U.S. has to take the lead in the improvement of the United Nations because the

U.S. has a strong interest in reinforcing the international institution. This new approach is compatible with the fact that the first American priority remains “America’s core security interests”<sup>78</sup>. The question remains what is behind these interests and in the case of the invasion of Iraq we could ask ourselves if it was really a matter of security interests of the U.S. This reorientation of the attitude of the U.S. about the UN is also clearly defined in the first Quadrennial Diplomacy and Development Review in which Secretary of State Hilary Clinton writes “America is reengaging with global institutions and working to modernize them to ensure their long-term effectiveness. Ultimately, these institutions—including the United Nations and international financial institutions—need to enable nations to play productive roles and to enforce the international system of rights and responsibilities”<sup>79</sup>.

Recently, during his visit to India, President Obama made a declaration that surprised a lot of people about his support for a seat in the Security Council for India. This gives us a clue about the US policy objectives concerning a new permanent member in the Security Council but more details about the current American position about the UNSC reforms are not known.

Belgium is situated at the opposite on the scale of power. Before WWII, Belgium chose a neutrality approach but two invasions during the twentieth century changed the Belgian way of envisaging its security issues. My country chose the multilateral approach and we were with the founders of the United Nations, NATO and the EU via its different steps to its current structure. Belgium believes in the paramount utility of the UNSC and tries regularly to become a non permanent member of this institution. Our sense of compromise, even if internally it is strongly challenged these days, is very

useful in international organizations. Acting outside a resolution of the UNSC is almost unthinkable for Belgium.

In the matter of the reform of the UNSC, Belgium is favorable to an increase of the seats in the UNSC with a maximum of 25 seats in total but without the creation of a new category of members, the semi-permanent ones<sup>80</sup>. Japan and Germany should receive a permanent membership. The other places have to be given following criteria of balanced geographical representation and the capacity of the new members to reinforce the functioning of the UNSC and this without being an obstacle to an efficient working of the organization. Concerning the veto right, Belgium is in favor of maintaining the veto for the current permanent members with eventually some voluntary limitations in its use without giving this right to the new permanent members. Currently, Belgium is not favorable to a representation in the UNSC for regional organizations.

To conclude, the future of the UNSC stays in the hands of its permanent members. No one can impose something to one of these five powers but they have an immense responsibility to the rest of the world. The UNSC cannot be something we use if it is in our interest to do so, and don't use if it is not. The principle itself of any law is opposed to this, even in the case of international laws which are not supported by an international court. Moreover, these five powers should have a role in leading by example and should respect that organization created by them. It is true that after every conflict a new system for managing security has been invented, except at the end of the Cold War it was not the case. This is perhaps a sign that the UN is the least bad system we ever found but to stay accurate some reforms are necessary, not in the least because of the rise of new emerging powers. My recommendation is to retain the reform

option of the expansion of the UNSC permanent members. As leading power and as founding member of the UN, the US has to take the lead in an enlargement of the number of seats of the Security Council to adapt it to the reality of the 21<sup>st</sup> century. The role of the regional organizations is currently far from strong enough to represent their region in the Security Council, which excludes the second option. The retained option enables a certain sharing of the US current power, while encouraging other emerging countries to be part of the management of the security of our world. This can only reinforce the US' leading position because it will lead to an increase of the number of strong allies. If we shouldn't succeed in this enterprise, the last option of remaining with the current situation remains a security net with the risk of marginalization of the entire organization.

### Endnotes

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<sup>5</sup> M. Bedjovi, *La Charte des Nations Unies* (Paris, PUF, 1990), 24

<sup>6</sup> M. Benchikh, *La Charte des Nations Unies*, (Paris, 1990), 438

<sup>7</sup> Thomas G. Weiss, "The illusion of UN Security Council Reform", *The Washington Quarterly*, (Autumn 2003), 149

<sup>8</sup> United Nations, *United Nations Charter*, Art 23

<sup>9</sup> M. Benchikh, *La Charte des Nations Unies* (Paris, 1990), 444

<sup>10</sup> Bruce Cronin et al., *The UN Security Council and the politics of international authority* (London and New-York, Routledge, 2008), 176

- <sup>11</sup> R. Deni-Segui, *La Charte des nations Unies* (Paris, 1990), 476
- <sup>12</sup> United Nations, *United Nations Charter*, Art 33.
- <sup>13</sup> B Stern, *La charte des Nations Unies* (Paris, 1990), 615
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- <sup>19</sup> Ibid.
- <sup>20</sup> Ibid., 65
- <sup>21</sup> Ibid., 51
- <sup>22</sup> Ibid., 61
- <sup>23</sup> Ibid., 63
- <sup>24</sup> R. Jennar, *l'ONU et le citoyen* (Paris, 1995), 85
- <sup>25</sup> David L. Bosco, *Five to rule them all* (Oxford, University Press, 2009), 122
- <sup>26</sup> Ibid., 123
- <sup>27</sup> Ibid., 209
- <sup>28</sup> Ibid.
- <sup>29</sup> Bruce Cronin et al., *The UN Security Council and the politics of international authority* (London and New-York, Routledge, 2008), 186
- <sup>30</sup> Alexander Thompson, *Channels of power: The UN Security Council and U.S. statecraft in Iraq* (Ithaca and London, Cornell University Press, 2009), 86
- <sup>31</sup> David L. Bosco, *Five to rule them all* (Oxford, University Press, 2009), 217
- <sup>32</sup> Ibid., 218
- <sup>33</sup> Bruce Cronin et al., *The UN Security Council and the politics of international authority* (London and New-York, Routledge, 2008), 80

<sup>34</sup> Pascal Teixeira, *The Security Council at the dawn of the twenty-first century* (Geneva, UNIDIR, 2003), 88

<sup>35</sup> David L. Bosco, *Five to rule them all* (Oxford, University Press, 2009), 220

<sup>36</sup> Ibid., 221

<sup>37</sup> Ibid., 225

<sup>38</sup> Ibid., 236

<sup>39</sup> Alexander Thompson, *Channels of power: The UN Security Council and U.S. statecraft in Iraq* (Ithaca and London, Cornell University Press, 2009), 170

<sup>40</sup> Ibid., 172

<sup>41</sup> David L. Bosco, *Five to rule them all* (Oxford, University Press, 2009), 243

<sup>42</sup> Alexander Thompson, *Channels of power: The UN Security Council and U.S. statecraft in Iraq* (Ithaca and London, Cornell University Press, 2009), 183

<sup>43</sup> Jan Wouters, Edith Drieskens, and Sven Biscop, *Belgium in the Security Council: Reflexions on the 2007-2008 membership* (Antwerp, Intersentia, 2009), 91

<sup>44</sup> Ibid., 115

<sup>45</sup> Jakob S. Lund, *Pros and Cons of Security Council reform*, 19 January 2010, <http://www.centerforunreform.org/node/414>

<sup>46</sup> Jan Wouters, Edith Drieskens, and Sven Biscop, *Belgium in the Security Council: Reflexions on the 2007-2008 membership* (Antwerp, Intersentia, 2009), 160

<sup>47</sup> Roundtable *On Security Council Reform*, Septembre 12 1995, <http://www.ncrb.unac.org/unreform/roundtables/SCreform.html>

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<sup>49</sup> Group of four is composed by Japan, Germany, India and Brazil

<sup>50</sup> Uniting for Consensus is composed of Italy, Canada, Colombia and Pakistan

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<sup>52</sup> Ibid.

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<sup>54</sup> Bruce Jones and Richard Gowan, *Mr Obama goes to New York : The President and the restoration of multilateral diplomacy*, September 17 2009, [http://www.cic.nyu.edu/mgo/docs/archive/2009/jones\\_obama\\_ny.pdf](http://www.cic.nyu.edu/mgo/docs/archive/2009/jones_obama_ny.pdf)

<sup>55</sup> Melanie Zorn, The United Nations Security Council: Reforms concerning its membership - An Overview, February 2007, [www.centerforunreform.org/system/files/Overview+\(2007\).pdf](http://www.centerforunreform.org/system/files/Overview+(2007).pdf)

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<sup>57</sup> Jakob S. Lund, *Pros and Cons of Security Council reform*, 19 January 2010, <http://www.centerforunreform.org/node/414>

<sup>58</sup> Ibid.

<sup>59</sup> Jan Wouters, Edith Drieskens, and Sven Biscop, *Belgium in the Security Council: Reflexions on the 2007-2008 membership* (Antwerp, Intersentia, 2009), 160

<sup>60</sup> 1945-1990 : The United States and the Soviet Union used 279 times the veto 1990-1995 only two vetoes were used.

<sup>61</sup> Thomas G. Weiss, “*The illusion of UN Security Council Reform*”, *The Washington Quarterly*, (Autumn 2003), 151

<sup>62</sup> Jakob S. Lund, *Pros and Cons of Security Council reform*, 19 January 2010, <http://www.centerforunreform.org/node/414>

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<sup>64</sup> Alexander Thompson, *Channels of power: The UN Security Council and U.S. statecraft in Iraq* (Ithaca and London, Cornell University Press, 2009), 207

<sup>65</sup> Ibid.

<sup>66</sup> Thomas G. Weiss, “*The illusion of UN Security Council Reform*”, *The Washington Quarterly*, (Autumn 2003), 153

<sup>67</sup> The National Security Strategy of the United States of America, September 2002, [www.withehouse.gov/nsc/nss.pdf](http://www.withehouse.gov/nsc/nss.pdf) , 31

<sup>68</sup> Alexander Thompson, *Channels of power: The UN Security Council and U.S. statecraft in Iraq* (Ithaca and London, Cornell University Press, 2009), 202

<sup>69</sup> Ibid., 206

<sup>70</sup> Ibid., 195

<sup>71</sup> Ibid., 202

<sup>72</sup> Ibid., 206

<sup>73</sup> Susan E. Rice, *A new course in the world, a new approach at the UN*, August 12 2009, <http://www.state.gov/p/io/rm/2009/127927.htm>

<sup>74</sup> US Department of state, Bureau of Public affairs, *“US priorities for a stronger, More Effective United nations”*, Jun 17 2005, <http://www.state.gov/document/organisations/48439.pdf>

<sup>75</sup> Jacqueline London, *United Nations and Security Council Reform : Proposal for the future*, June 29 2007, <http://www.incipe.org/UNSCreform.html>, 8

<sup>76</sup> Bruce Jones and Richard Gowan, *Mr Obama goes to New York : The President and the restoration of multilateral diplomacy*, September 17 2009, [http://www.cic.nyu.edu/mgo/docs/archive/2009/jones\\_obama\\_ny.pdf](http://www.cic.nyu.edu/mgo/docs/archive/2009/jones_obama_ny.pdf)

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> US State Department, *The First Quadrennial Diplomacy and Development Review*, 2010, 46

<sup>80</sup> This information is from Belgian diplomatic sources in the Belgian UN delegation.